

Amendment
Serial No. 10/051,048
Attorney Docket No. 020011

REMARKS

Claims 1-4, 6-15 and 7-20 are pending in the present application and are rejected. Claims 1, 3, 8, 10, 11, 13, 19 and 20 are herein amended.

Applicants' Response to Claim Rejections under 35 U.S.C. §103

Claims 1-4, 8-15, 19 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hagenbuch (U.S. Patent No. 5,650,928) in view of Ukai et al. (U.S. Patent Application Publication No. 2003/0191581).

It is the position of the Office Action that **Hagenbuch** discloses the invention as claimed, with the exception of putting an article up for sale and providing that information to the customer via the network. The Office Action relies on **Ukai** to provide this teaching. The Office Action states that it would have been obvious to make the usage history (and other similar information) immediately available to the potential customer for the purpose of evaluating the condition of the article before purchase.

Hagenbuch discloses a method and apparatus for the on-board measuring of hauling parameters of a haulage vehicle. As illustrated in Figure 3, the apparatus includes sensors in order to monitor the vehicle's load and distance traveled. The distance traveled may be updated as necessary. See column 23, lines 54-65. The data can be transferred to a central station 155 so as to help manage the dispatching and maintenance of a fleet of haulage vehicles.

Meanwhile, **Ukai** discloses a method and apparatus for gathering vehicle information. In **Ukai**, information on the location of the vehicle and approximate sensor-generated information

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are transmitted by satellite 4 to a central information vehicle-management center 6. Information on the user and specific sensor-generated information are transmitted via Dedicated Short Range Communication via a cellular phone 12 to the management center 6.

Based on the disclosure of Figures 1 and 5, it is the position of the Office Action that the information acquired via either satellite 4 or cellular phone 12 is provided to a customer. In response, Applicants respectfully submit that **Ukai** does not actually disclose this. Instead, **Ukai** discloses that “[a] person wanting to purchase a car connects itself to the central vehicle-information management center 6 in order to obtain an assessed value of its present car.” Paragraph [0135]. This assessed value is computed by the vehicle-information management center 6 based on the information received. See paragraph [0136].

In other words, the customer of **Ukai** never receives the actual data relating to the vehicle. Instead, the customer receives a calculated assessed value of vehicle based on the data. Therefore, **Ukai** does not disclose or suggest that usage history (or data recited in other claims, such as current state data, etc.) “of said article stored in said data base is provided to a customer via a network.” Thus, Applicants respectfully submit that the combination of **Hagenbuch** and **Ukai** does not disclose the invention as claimed.

Furthermore, even if the combination of **Hagenbuch** and **Ukai** did disclose the invention as claimed, Applicants respectfully submit that there is no suggestion or motivation in the art to modify **Hagenbuch** by including the teachings of **Ukai**. **Hagenbuch** is directed at monitoring the load of haulage vehicles for the purpose of accumulating operational data, preventing unnecessary deterioration of the vehicles, and eliminating inefficient hauling by the vehicles. See

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column 2, line 66 to column 3, line 21. There is no suggestion or motivation to include a customer on the network. Providing a potential buyer with information about the vehicle is not contemplated by **Hagenbuch**. Only management of a fleet of vehicles by its current owner is contemplated. Thus, a combination of the references can only result from impermissible hindsight. According to MPEP §2141, “[t]he references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention.”

Therefore, Applicants respectfully traverse the rejection and submit that claims 1-4, 8-15, 19 and 20 are patentable for the reasons discussed above. However, Applicants request entry of minor amendments to the claims in order to improve their grammatical form. These amendments do not raise new issues requiring further search or consideration. Favorable reconsideration is respectfully requested.

Claims 6, 7, 17 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hagenbuch in view of Ukai in further view of Lancaster et al. (U.S. Patent Application Publication No. 2002/0065707).

It is the position of the Office Action that the combination of **Hagenbuch** and **Ukai** discloses the invention as claimed, with the exception of disclosing that the usage data includes photographic data showing actual images of the article and a download step of downloading the usage history or service history for the article, which are stored in a database, to a terminal used by the customer via a network. The Office Action relies on **Lancaster** to provide these teachings.

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In response, Applicants respectfully submit that claims 6, 7, 17 and 18 are patentable due to their dependency on claims 1 and 11, respectively. Applicants respectfully submit that claims 1 and 11 are patentable for the reasons discussed above.

For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action by applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants' undersigned agent.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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